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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,017	03/25/2004	Jan Wietze Huisman	Vertis-4/Con	7836
7265	7590	02/28/2006	EXAMINER	
MICHAELSON AND WALLACE PARKWAY 109 OFFICE CENTER 328 NEWMAN SPRINGS RD P O BOX 8489 RED BANK, NJ 07701			TSOY, ELENA	
			ART UNIT	PAPER NUMBER
			1762	
DATE MAILED: 02/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/809,017

Applicant(s)

HUISMAN, JAN WIETZE

Examiner

Elena Tsoy

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☒ The Notice of Appeal was filed on 23 January 2006. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 86-136.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

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***Advisory Action***

1. Amendment to the specification filed on 1/23/2006 has not been entered because of the error: Fig. ~~40111~~ should be changed to Fig. ~~401~~11.

Claims 86-136 remain pending in the application.

***Response to Arguments***

2. Applicants' arguments filed 1/23/2006 have been fully considered but they are not persuasive.

(A) Applicants agree that Anderson et al disclose a method for forming products comprising a mass including natural polymers in a heated mold which may typically be employed in injection molding. However, it is crystal clear that Anderson et al do not disclose injection molding of such products nor any equipment to be used in conjunction therewith. As urged previously, one skilled in the art cannot use ordinary injection molding equipment for the process described and claimed in the instant application nor can they use a conventional injection molding mold. Heating means must be incorporated into the mold or, alternatively, the mold must be heated from the outside. This methodology is very clearly not the procedure employed in conventional injection molding. This distinction which clearly is a departure from the Anderson et al disclosure has not been acknowledged by the Examiner nor has it been rebutted in any form.

The Examiner respectfully disagrees with this argument. In contrast to Applicants argument, it is well known in art that a conventional injection molding, heating means are incorporated into the mold (See *any* dictionary under "injection molding").

(B) Applicants state that clearly, Reil does not disclose strengthening of a

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product but merely discloses a means of preventing damage to an first plastic coating at fold lines. Additionally, Reil discloses that the adhesive strips employed should be adhered to the blank by glue, the surface tension being of no consequence whatever. Similarly, the first coating of Reil is made of plastic and again the surface tension does not play any role therein. Still further, Reil specifically discloses (see column 2, lines 12-19) that the strip employed should be welded such that contact surfaces of the reinforcing strip with the coated cardboard terminates from all sides at a spacing in front on the bending lines.

First of all, one of ordinary skill in the art would recognize that “preventing damage to a first plastic coating at fold lines” of Reil can be clearly interpreted as **strengthening** of first plastic coating at fold lines. Secondly, the Applicants’ statement “Reil discloses that the adhesive strips employed should be adhered to the blank by glue, the surface tension being of no consequence whatever” is irrelevant because difference in surface tension is claimed between the base product and a first coating. Thirdly, Reil is a secondary reference, which is applied to show only that reinforcing strips can be used applied over a waterproof coating such that of Andersen to strengthen places where the articles are severely bent.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Thursday, 9:00AM - 7:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy  
Primary Examiner  
Art Unit 1762

ELENA TSOY  
PRIMARY EXAMINER  
*ETsoy*

February 27, 2006